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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,739	10/15/2001	Philip George Ellis	A34093 PCT USA	4197
21003 7	7590 04/22/2003			
BAKER & BOTTS			EXAMINER	
30 ROCKEFELLER PLAZA NEW YORK, NY 10112			CRANE, D.	ANIEL C
			ART UNIT	PAPER NUMBER
			3725	17
			DATE MAILED: 04/22/2003	/ /

Please find below and/or attached an Office communication concerning this application or proceeding.

.•				/ 1			
		Application No.	Applicant(s)	-			
		09/786,739	ELLIS, PHILIP GEORGE				
	Office Action Summary	Examiner	Art Unit				
		Daniel C Crane	3725				
Period fo	The MAILING DATE of this communication app or Reply	ars on the cover sheet with	the correspondence address				
THE - Exte after - If the - If NO - Failu - Any	ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1.13. SIX (6) MONTHS from the mailing date of this communication. In period for reply specified above is less than thirty (30) days, a reply of period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a rep or within the statutory minimum of thirty (vill apply and will expire SIX (6) MONTh cause the application to become ABAI	y be timely filed 30) days will be considered timely. S from the mailing date of this communication. IDONED (35 U.S.C. § 133).				
1)⊠	Responsive to communication(s) filed on 24 F	ebruary 2003 .					
2a) <u></u> ☐	This action is FINAL . 2b)⊠ Th	is action is non-final.					
3)	Since this application is in condition for alloward closed in accordance with the practice under	ince except for formal matte Ex parte Quayle, 1935 C.D.	rs, prosecution as to the merits is 11, 453 O.G. 213.				
	ion of Claims Claim(s) 12-15 is/are pending in the applicatio	n					
,	4a) Of the above claim(s) is/are withdraw						
	Claim(s) is/are allowed.						
, <u> </u>	☐ Claim(s) is/are anowed. ☐ Claim(s) <u>12-15</u> is/are rejected.						
	Claim(s) is/are objected to.						
	Claim(s) are subject to restriction and/or	r election requirement.					
	ion Papers						
9)[The specification is objected to by the Examine	r.					
10)	The drawing(s) filed on is/are: a) ☐ accept	oted or b) objected to by the	Examiner.				
	Applicant may not request that any objection to the						
11)[The proposed drawing correction filed on		approved by the Examiner.				
40\□	If approved, corrected drawings are required in rep	•					
,—	The oath or declaration is objected to by the Ex	ammer.					
•	under 35 U.S.C. §§ 119 and 120	. maionitu umdor 25 II C.C. S	110(a) (d) or (f)				
• -	Acknowledgment is made of a claim for foreign	phonty under 35 0.5.C. §	119(a)-(u) or (i).				
a)		s have been received					
	 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 						
	2. Certified copies of the priority documents3. Copies of the certified copies of the priority						
* (application from the International Bui See the attached detailed Office action for a list	reau (PCT Rule 17.2(a)).					
14) 🗌 🗸	Acknowledgment is made of a claim for domesti	c priority under 35 U.S.C. §	119(e) (to a provisional application)				
	 The translation of the foreign language pro Acknowledgment is made of a claim for domesti 						
Attachmer	nt(s)						
2) Notice	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u>	5) Notice of Inf	mmary (PTO-413) Paper No(s) ormal Patent Application (PTO-152)				

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BASIS FOR REJECTIONS

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

REJECTION OF CLAIMS ON FORMAL MATTERS

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Failure to provide the details of the roller construction and the operability of the rollers to effect the simultaneous forming of the U-section and the C-section renders the subject matter inadequate. The disclosure must provide the construction details of the rolls and

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their arrangement that would facilitate the production of "simultaneous" U-section and C-sections on the "same" sheet.

OBJECTION TO THE DRAWINGS

The drawings are objected to under 37 CFR 1.83(a) because they fail to show roll forming apparatus that form U-section and C-section channel profiles simultaneously on the same sheet as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. No new matter may be added.

REJECTION OF CLAIMS OVER PRIOR ART

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Lyon (British document no. 2,061,788). See Figures 1 and 7 where the sheet strip is formed with a U-shaped channel, represented by sides 37, 38 and 41, and the C-shaped channel is shown at 39 or 40.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morello (5,359,871). Morello discloses substantially the claimed invention where data is input into the control system of the rolling device and the control computes through a computing means the specific configuration of the channel to be produced. While Morello does not indicate that the data inputted into the system is a "unit area", Morello does indicate that various size and housing

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codes can be processed through the computing means to facilitate the production of channels used to construct building frames of predetermined size. Accordingly, it is the examiner's position that the skilled artisan having the benefit of Morello's device would have been disposed to utilize any parameter relating to size to facilitate the production of rolled channels to properly size the channels to a particular building. Therefore, it would have been obvious to the skilled artisan to have modified Morello's method by using an "area", which is related to "size", as a parameter of produce the channels for a particular building, such parameters being equivalent.

PRIOR ART CITED BY EXAMINER

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

RESPONSE BY APPLICANT(S)

Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (703) 308-1870.

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The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Allen Ostrager, can be reached at (703) 308-3136.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Documents related to the instant application may be submitted directly to Group 3700 by facsimile transmission at all times. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Group 3725 Facsimile Center number is (703) 305-3579.

DCCrane April 16, 2003 **Daniel C. Crane**Primary Patent Examiner

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